

**IN THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

CHRISTINA FELIX	)	
Plaintiff,	)	Case No. 21-00796
and	)	
Nelson Cruz & Associates, <i>et al.</i>	)	
Defendants.	)	

**MOTION TO DISMISS AND TO ENFORCE SETTLEMENT AGREEMENT**

DEFENDANT, B.E.S.T. GDR, LLC, by and through their attorney Matthew Lee Stone of the Law Offices of Schneider & Stone, for their Motion to Enforce Settlement Agreement, state as follows:

**BACKGROUND**

1. On February 12, 2021, Plaintiffs filed their complaint in the above captioned matter.
2. On April 13, 2021, the court entered a default order and continued the case to June 16, 2021 for prove-up.
3. On May 21, 2021, the court entered an order dismissing defendant B.E.S.T. GDR with prejudice, but taking no action concerning Nelson Cruz & Associates.

**Settlement Agreement**

4. On May 11, 2021, plaintiff and defendant B.E.S.T. GDR fully executed a Settlement Agreement and Release of Claims, the terms of which are confidential (the "Agreement"). A copy of the Agreement has been attached as a provisionally sealed exhibit and defendants request a court order sealing the exhibit pursuant to Local Rule 26.2(c).
5. The Agreement in Paragraph 4 provides for a dismissal with prejudice of all defendants in this lawsuit (the "Lawsuit").
6. The Agreement in Paragraph 6 provides for a waiver of all claims by Plaintiff against both defendant B.E.S.T. GDR and defendant Nelson Cruz & Associates.

### **Plaintiff Fails to Comply with the Settlement Agreement**

7. Defendant complied with its obligations under Paragraphs 3 and 5 of the Settlement Agreement.
8. To date, Plaintiff has failed to dismiss the Lawsuit against defendant Nelson Cruz & Associates.
9. Defendant B.E.S.T. GDR further learned, subsequent to May 11, 2021, that Plaintiff had continued its efforts to seek further settlement payments from Defendant Nelson Cruz & Associates.
10. When B.E.S.T. GDR informed Nelson Cruz & Associates of the Agreement, discharging them from any further collection efforts, Nelson Cruz & Associates told Plaintiff that they would not pay any additional funds.
11. Instead of dismissing this lawsuit, Plaintiff's counsel, the Agruss Law Firm, has now filed a lawsuit in state court, captioned Agruss Law Firm, LLC v. B.E.S.T. GDR, LLC in Cook County Circuit Court, with case number 2021 CH 2509 seeking damages for B.E.S.T. GDR's informing Nelson Cruz & Associates of Plaintiff's improper collections efforts.
12. Any alleged breach of the Agreement by B.E.S.T. GDR by informing Nelson Cruz & Associates of the terms of the Agreement was solely for the purpose of protecting Nelson Cruz & Associates from predatory tactics by Plaintiff's counsel which violated the Settlement Agreement.
13. This Court should therefore dismiss Plaintiff's claims against Nelson Cruz & Associates with prejudice or, in the alternative, continue this matter for status and permit defendant B.E.S.T. GDR the opportunity to remove the State Lawsuit to federal court via supplemental jurisdiction and consolidate the matter with this Lawsuit.

**WHEREFORE**, Defendant, B.E.S.T. GDR, asks this court to:

- A. Dismiss plaintiff's claims against Nelson Cruz & Associates with prejudice;
- B. Award Defendant its reasonable attorney's fees in the preparation of this Motion; and
- C. Grant all other relief the Court deems appropriate at this time.

Respectfully Submitted

/s/ Matthew Lee Stone  
One of the Attorneys for Petitioner

Matthew Lee Stone  
**SCHNEIDER & STONE**  
8424 Skokie Blvd #200  
Skokie, IL 60077  
(847) 933-0300  
mstone@windycitylawgroup.com  
Att. ID: 6297720